

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

STEVEN B. BARGER,

Plaintiff,

v.

Civil Case No. 1:17-cv-04869-FB-LB

FIRST DATA CORPORATION, *et al.*,

Defendants.

DEFENDANTS' PROPOSED JURY VERDICT FORM

Defendants, First Data Corporation, Frank Bisignano, Dan Charron, Anthony Marino, and Rhonda Johnson (collectively, Defendants), respectfully submit this proposed Jury Verdict Form.

Defendants reserve the right to modify or supplement this form on the basis of the evidence presented at trial.

INSTRUCTIONS: Please follow the directions provided throughout this Jury Verdict Form. Your answer to each question must be unanimous. Please refer to the Jury Instructions for guidance on the law applicable to each question.

1. ADA

- a. Is First Data liable under the ADA for placing plaintiff on medical leave and revoking plaintiff's remote email access?

Yes ____ No ____

If you answered "No," proceed to Question 2. If you answered "Yes," proceed to Question 1b.

- b. What amount of back pay should be awarded to plaintiff?

\$ _____

2. FMLA

- a. Is First Data liable under the FMLA for not restoring plaintiff to his position or an equivalent position?

Yes ____ No ____

- b. Is Frank Bisignano liable under the FMLA for not restoring plaintiff to his position or an equivalent position?

Yes ____ No ____

- c. Is Dan Charron liable under the FMLA for not restoring plaintiff to his position or an equivalent position?

Yes ____ No ____

- d. Is Tony Marino liable under the FMLA for not restoring plaintiff to his position or an equivalent position?

Yes ____ No ____

- e. Is Rhonda Johnson liable under the FMLA for not restoring plaintiff to his position or an equivalent position?

Yes ____ No ____

If you answered "Yes" to any of 2a-e, and if you already awarded back pay in Question 1b, do not answer this Question. If you did not award back pay in Question 1b, what amount of back pay should be awarded to plaintiff?

\$ ____

3. AFTER ACQUIRED EVIDENCE

Have Defendants proven by a preponderance of the evidence that First Data would have terminated Plaintiff's employment relationship based on after acquired evidence?

Yes ____ No ____

Have the foreperson sign the verdict sheet.

Dated: September____, 2019

Brooklyn, New York

FOREPERSON